

CHAPTER NO. 1041

HOUSE BILL NO. 3162

By Representatives Sands, Scroggs, Jackson

Substituted for: Senate Bill No. 2940

By Senators Gilbert, Davis

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 35, relative to criminal sentencing.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 40-35-201, is amended by deleting subsection (b) in its entirety and substituting instead the following:

In all contested criminal cases, except for capital crimes which are governed by the procedures contained in TCA §§39-13-204 and 39-13-205, and as necessary to comply with Article VI, Section 14 of the Constitution of the State of Tennessee and TCA §40-35-301, the judge shall not instruct the jury, nor shall the attorneys be permitted to comment at any time to the jury, on possible penalties for the offense charged nor all lesser included offenses.

SECTION 2. The provisions of this act shall apply to all trials occurring after the effective date of this act.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: **May 1, 1998**


JIMMY RAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 18th day of May 1998


DON SNOGRASS, GOVERNOR